



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

**MEMO ENDORSED**

March 20, 2020

By ECF

Honorable Valerie E. Caproni  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

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Re: *Natural Resources Defense Council, Inc., et al. v. U.S. Department of the Interior, et al.*, 18 Civ. 4596 (VEC), consolidated with *National Audubon Society, et al. v. U.S. Department of the Interior, et al.*, 18 Civ. 4601 (VEC), and *State of New York, et al. v. U.S. Department of the Interior, et al.*, 18 Civ. 8084 (VEC)

Dear Judge Caproni:

This Office represents defendants U.S. Department of the Interior, U.S. Fish and Wildlife Service, and Daniel Jorjani, in his official capacity (“Defendants”), in the three consolidated actions referenced above. We write respectfully to request a final short extension—from March 24, 2020 to March 27, 2020—of Defendants’ deadline to file their cross-motion for summary judgment and opposition to Plaintiffs’ motions for summary judgment. Counsel for Plaintiffs do not object to the extension request.

Defendants have made substantial progress on their motion papers, but the significant disruptions and dislocations that have resulted from the COVID-19 public health emergency have introduced additional challenges into the process of finalizing this submission. Many of the government employees involved in the preparation and review of the filing are now teleworking, and coordination and consultation with the relevant personnel has been more time consuming than anticipated. Accordingly, Defendants respectfully request a further extension of three days to complete their cross-motion and opposition, and corresponding extensions of the remaining deadlines in the briefing schedule. This is Defendants’ third request for an extension of the deadlines for summary judgment briefing; Defendants’ previous applications were granted on February 18, 2020 and March 11, 2020. *See* Dkt. Nos. 73, 75. As noted previously, counsel for Plaintiffs do not object to the request.

If the Court grants Defendants' application, the schedule of remaining deadlines would be as follows:

- Defendants' cross-motion for summary judgment and opposition to Plaintiffs' motions due March 27, 2020 (*previous deadline: March 24, 2020*);
- Plaintiffs' replies in support of their motions and oppositions to Defendants' cross-motion due May 4, 2020 (*previous deadline: April 29, 2020*);
- Defendants' reply in support of their cross-motion due June 1, 2020 (*previous deadline: May 29, 2020*);
- Joint appendix to be filed June 8, 2020 (*previous deadline: June 5, 2020*); and
- Courtesy copies to be submitted June 11, 2020 (*previous deadline: June 8, 2020*).

We thank the Court for its consideration of and attention to these matters.

Respectfully submitted,

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Application GRANTED.

SO ORDERED.

  
3/23/2020

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE